

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

_____)	
In the Matter of:)	
)	
MBB, LLC)	
t/a MBB)	
)	
Applicant for a New)	Case No. 11-PRO-00036
Retailer's Class CT License)	License No. ABRA-087409
)	Order No. 2011-410
at premises)	
913 U Street, N.W.)	
Washington, D.C. 20001)	
_____)	

MBB, LLC, t/a MBB (Applicant)

Juan E. Lopez, Chairperson, Advisory Neighborhood Commission (ANC) 1B

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that MBB, LLC, t/a MBB, Applicant for a new Retailer's Class CT License, located at 913 U Street, N.W., Washington, D.C., and ANC 1B have entered into a Voluntary Agreement (Agreement), dated September 1, 2011, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Juan E. Lopez, on behalf of ANC 1B, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1B of this Application.

MBB, LLC
t/a MBB
Case No. 11-PRO-00036
License No. ABRA-087409
Page 2

Accordingly, it is this 5th day of October 2011, **ORDERED** that:

1. The Application filed by MBB, LLC, t/a MBB, for a new Retailer's Class CT License, located at 913 U Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 1B to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**, except for the following modification:

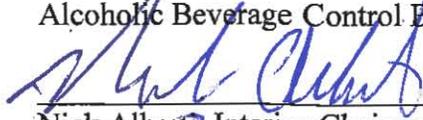
Section 8 – shall be removed.

The parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant and ANC 1B.

MBB, LLC
t/a MBB
Case No. 11-PRO-00036
License No. ABRA-087409
Page 3

District of Columbia
Alcoholic Beverage Control Board



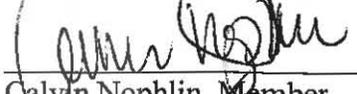
Nick Alberti, Interim Chairperson



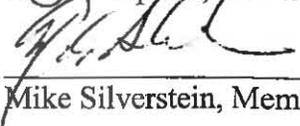
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.



Advisory Neighborhood Commission 1B

Government of the District of Columbia

2000 14TH Street N.W., Suite 100B

Washington, DC 20009

202-481-3462

202-870-4202

Juan Lopez 1B07, Chairperson, Ahnna Smith, 1B08, Vice Chairperson

Myla Moss, 1B01, Secretary, Mary Streett, 1B05, Treasurer

Aaron Spencer 1B02, Sedrick Muhammad 1B03, Deborah Thomas 1B04, Charles Meisch 1B06,

Lauren McKenzie 1B09, Tony Norman 1B10, E. Gail Anderson Holness 1B11

September 2, 2011

Mr. Nick Alberti
Interim Chairman
Alcoholic Beverage Control Board
1250 U Street N.W., Third Floor
Washington, DC 20009

ABRA-087409

MBB LLC, 913 U Street N.W.

Dear Chairman Alberti:

At its regularly scheduled meeting on August 4, 2011 (notice of which was properly given, and at which a quorum of eight of eleven members was present) ANC1B voted unanimously (8 yes, 0 no) to protest this application for a Retail Class C Tavern license on the basis of peace, order, quiet and parking.

The Commission has now negotiated and signed a satisfactory voluntary agreement with the applicant and therefore withdraws its protest of this application.

Sincerely,

Juan Lopez
Chairperson

Myla Moss
Secretary

VOLUNTARY AGREEMENT
CONCERNING CHANGES TO LICENSE
MBB, LLC 913 U Street

Made this 1st day of September, 2011 by and between MBB, LLC U Street at 913 U Street (hereinafter "Applicant"), and ANC 1B (hereinafter "Protestant").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter "the Board") a request for the issuance of a Retailer's License Class CT premises for 913 U Street, N.W.; and,

WHEREAS, the parties subsequently have negotiated in an effort to address potential issues and/or concerns with regard to the issuance of the license based upon other applications in the area; and,

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to DC Official Code Section 25-446 (2001 ed.), commemorating their agreements;

NOW, THEREFORE, the parties agree as follows:

1. Applicant's licensed premises shall include the interior of 913 U Street, NW in Washington, D.C. which encompasses the first and second floors, the outside patio on the third floor walk out rooftop summer garden, and a basement which is used for kitchen.
2. Applicant's hours of operation will be Sunday-Thursday, 10AM- 3AM and Friday and Saturday, 10AM- 4AM. and/or as designated by ABRA with the exception of the Thanksgiving holiday and the Christmas holiday. Alcoholic beverage service shall cease Sunday- Thursday 2 AM and Friday and Saturday 3AM. The parties agree that these soft closing hours afford better and slower discharge of patrons during this one hour period to avoid less impact on the surrounding community.
3. Patio operations will cease at 2:30 AM and no live music, entertainment, or stereo speakers of any kind will be permitted on the patio. Ambient sounds associated with interior speakers will not be considered a violation of the terms or intent of this provision.
4. Applicant will have trash/dumpster pickup by a commercial hauler no fewer than three (3) times per week and Monday is the designated trash pick-up day. Applicant will also strictly adhere to required and/or voluntary recycling of bottles and cans. Applicant will police the immediate environs of its premises daily and make its best efforts to keep said area clean of trash and debris. Trash pick up will commence no earlier than 9AM.
5. Applicant will pick up trash and debris from the alley behind its premises, the area immediately in front its premises, and if it is shown by clear and convincing evidence that the patrons of applicant are the main cause of trash and debris immediately to the rear of the premises, then applicant will pick up the trash and debris from the area each Saturday

and Sunday morning before 9:00 a.m., applicant will make certain that the sidewalk area in front of the premises will remain free of debris.

6. The terms of this Voluntary Agreement in its entirety shall become effective upon ratification of this agreement by the District of Columbia Alcoholic Beverage Control Board.

7. All security personnel employed by applicant will undergo security training to be completed no later than 45 days from the date of hire.

8. Applicant and the designated representatives, whose signatures are affixed hereunto, with advance notice to the parties at least quarterly, will meet to discuss issues of common concern, if any.

9. Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 3 through 6, inclusive, above, will constitute grounds for the designated representative protestants, whose signatures are affixed hereunto, to petition the Board for issuance of an Order to Show Case, pursuant to DC Official Code Section 25-447 (2001 ed.), to ascertain Applicant's compliance with the terms of this Agreement and/or if necessary to obtain compliance with these terms. Prior to so petitioning, however, the Designated representative protestants shall notify Applicant of any perceived violations and afford Applicant a minimum of fourteen (14) calendar days in which to address or rectify the perceived violation.

10. The parties request that the text of the instant Agreement be incorporated in an order of the Board granting Applicant's request for issuance of its Retailer's license Class CT.

In further consideration of, and reliance upon the forgoing commitments by Protestant, the Applicant hereby request that its Application for Issuance of its Class CT Retailer's License be issued.

In WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

PROTESTANT,
THROUGH ITS DESIGNATED REPRESENTATIVE PROTESTANT:

By: 
Commissioner Juan Lopez, Chairman
Advisory Neighborhood Commission 1B

09-01-2011
Date

MBB, LLC at 913 U Street

By: 
Melih Buyukbayrak, Managing Member

09.01.2011
Date